

## REMARKS

Reconsideration and allowance of the subject application are respectfully solicited.

Claims 1 through 23 are pending, with Claims 1, 12, and 23 being independent. Claims 45 and 46 have been cancelled without prejudice. Claims 1, 12, and 23 have been amended.

Claims 1 through 23, 45, and 46 again were rejected under 35 U.S.C. §§ 102(e) and 103 over previously-cited U.S. Patent Application Publication No. 2005/0028208 A1 (Ellis, et al.). All rejections are respectfully traversed.

Claims 1, 12, and 23 variously recite, inter alia, that the broadcast receiver holds a unique identification number thereof, and the information of the broadcast receiver, input from the external terminal, is the unique identification number held by the broadcast receiver, wherein the conditioned access data is generated in accordance with the identification information input from the external terminal to the broadcaster so that the broadcast receiver which holds the unique identification number can access information included in the conditioned access data (with multiplexing of the conditioned access data for the transport stream as claimed).

However, Applicants respectfully submit that Ellis, et al. fails to disclose or suggest at least the above-discussed claimed features as recited, inter alia, in Claims 1, 12, and 23.

The Official Action relies at page 8, lines 1 through 6, upon paragraphs 70 and 71 of Ellis, et al. and asserts that the “pay program account information” in paragraph 70 constitutes a unique identification number “like smart card number” identifying the broadcast receiver and the client-server polling scheme in paragraph 71 constitutes a unique identification number identifying the external terminal. Applicants respectfully traverse said reliance and said assertions. Applicants respectfully submit that first, there is no mention in paragraph 70 of a

“smart card number” and even if there were mention, paragraphs 70 and 71 are completely silent as to the above-discussed claimed features as recited, *inter alia*, in Claims 1, 12, and 23.

It is further respectfully submitted that there has been no showing of any indication of motivation in the cited documents that would lead one having ordinary skill in the art to arrive at such features.

The dependent claims are also submitted to be patentable because they set forth additional aspects of the present invention and are dependent from independent claims discussed above. Therefore, separate and individual consideration of each dependent claim is respectfully requested.

Applicants submit that this application is in condition for allowance, and a Notice of Allowance is respectfully requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should to be directed to our below listed address.

Respectfully submitted,

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